

AMENDED IN SENATE MAY 24, 2004

AMENDED IN SENATE MAY 4, 2004

AMENDED IN SENATE APRIL 21, 2004

SENATE BILL

No. 1754

**Introduced by Senators Battin and Denham
(Coauthors: Senators Aanestad and Johnson)**

(Coauthors: Assembly Members Bates, Bogh, Cogdill, Daucher,
Dutton, Garcia, Harman, Shirley Horton, La Malfa, Maze, Pacheco,
and Spitzer)

February 20, 2004

An act to add Section 14682 to the Government Code, relating to state property.

LEGISLATIVE COUNSEL'S DIGEST

SB 1754, as amended, Battin. State property: use of real property: Department of General Services.

Existing law generally sets forth the duties and authority of the Department of Finance in overseeing the fiscal affairs of the state and the duties and authority of the Department of General Services in acquiring, assigning, and maintaining property on behalf of state agencies.

This bill would provide that final determination of the use of real property *under the jurisdiction of the Department of General Services* by state agencies shall be made by the Department of General Services with the concurrence of the Department of Finance. It would provide that the request of an agency to acquire new facilities requires the approval of the Department of Finance in addition to any applicable requirement of approval by the Legislature. It would require the

Department of General Services to procure approved new facilities for the agency that meet the agency's needs using cost efficiency as a *primary criterion, among any other agency-specific criteria, as applicable*. It would require the Department of General Services to first consider the utilization of existing state-owned, state-leased, or state-controlled real property under the control or authority of the Department of General Services that meets that criterion before considering the leasing of additional real property on behalf of a state agency. It would also require that when tenant *state* agencies located in existing state-owned real property vacate their premises, they continue to pay rent for the real property unless and until a new tenant can be assigned or until the Department of General Services can negotiate a mutual termination of the lease, unless the department has generated the tenant's relinquishment *or the tenant is vacating in accordance with the provisions of its lease agreement*.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14682 is added to the Government
2 Code, to read:
3 14682. (a) Final determination of the use of real property
4 *under the jurisdiction of the Department of General Services* by
5 state agencies shall be made by the Department of General
6 Services with the concurrence of the Department of Finance.
7 (b) A request of an agency to acquire new facilities through
8 lease, purchase, or construction shall require the approval of the
9 Department of Finance in addition to any applicable requirement
10 of approval by the Legislature. The Department of General
11 Services shall procure approved new facilities for the agency that
12 meet the agency's needs using cost efficiency as a ~~criterion~~
13 *primary criterion, among any other agency-specific criteria, as*
14 *applicable*. The Department of General Services shall first
15 consider the utilization of existing state-owned, state-leased, or
16 state-controlled real property under the control or authority of the
17 Department of General Services that meets that criterion before
18 considering the leasing of additional real property on behalf of a
19 state agency.



1 (c) When tenant *state* agencies located in existing state-owned
2 real property vacate their premises, they shall continue paying rent
3 for the real property unless and until a new tenant can be assigned
4 or until the Department of General Services can negotiate a mutual
5 termination of the lease. If the department generates the tenant's
6 relinquishment, *or if the tenant is vacating in accordance with the*
7 *provisions of its lease agreement*, the tenant shall not be obligated
8 to pay rent after vacating the premises.

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